

K. California

1506

Kalendar of Consanguinity.

| The First Column. | The Second Column. | The Third Column. |
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| 6 Brothers of Great Grand-father's Great Grandfather. Sisters of Great Grand-father's Great Grandfather. | 6 Great Grandfather's Great Grandfather. Feme. | 6 Brothers of Great Grand-father's Great Grandmother. Sisters of Great Grand-father's Great Grandmother. |
| 5 Brothers of Great Grand-father's Grandfather. Sisters of Great Grandfather's Grandfather. | 5 Great Grandfather's Grandfather. Feme. | 5 Brothers of Great Grand-father's Grandmother. Sisters of Great Grandfather's Grandmother. |
| 4 Brothers of Grandfather's Grandfather. Sisters of Grandfather's Grandfather. | 4 Grandfather's Grandfather. Feme. | 4 Brothers of Grandfather's Grandmother. Sisters of Grandfather's Grandmother. |
| 3 Brothers of Great Grand-father. Sisters of Great Grandfather. | 3 Great Grandfather. Feme. | 3 Brothers of Great Grand-mother. Sisters of Great Grandmother. |
| 2 Brothers of Grandfather. Sisters of Grandfather. | 2 Grandfather. Feme. | 2 Brothers of Grandmother. Sisters of Grandmother. |
| 1 Brothers of the Father. Sisters of the Father. | 1 Father. Mother. | 1 Brothers of the Mother. Sisters of the Mother. |
| | Any Person, Male, or Fe-male, who is Proposed. Brothers. Sisters. | |

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A TABLE of Descents in Fee-Simple..

(A New Edition Revised and Enlarged.)

IN the following Essay we have thought proper, upon all Occasions, to refer to the *Kalendyr*, which we have here exhibited, as thinking, that such a Method would greatly contribute to the better Clearing and Illustrating this Argument; it may not, therefore, be amiss to begin with giving some Account of the *Personages*, who are contained in the Kalendar, and that, more especially, by Reason of the great Number of lineal Ancestors from whom every Person is ordinarily descended, and of the extremely complicated and multifarious Relations from thence arising, and thereupon depending; for though, by the *Law of Nature*, no Person can have more than one Father and one Mother; yet as, by the *Law of God* and of the *Church*, every person honestly born must have two Grandfathers and two Grandmothers, and as the lineal Ancestors always increase and are augmented in a geometrical Proportion, in every Increase or Progression of one Degree; unless where there happen Intermarriages between Persons of the same Family; we proceed therefore to explain the Kalendar.

The second Column of the Kalendar contains every Person concerning whom we propose to treat, and the *lineal Ancestors* (*Baron* and *Feme*) of such Person, in every Degree for six Degrees inclusive in the *paternal Race*, or *lineage*, only; the Grandfather and Grandmother therein exhibited being the Father and Mother of the Father of every Person of whom we treat, as the Great Grandfather and Great Grandmother, who are likewise therein exhibited, are the Father and Mother of *that Grandfather*, &c. &c. But the Kalendar (as we conceive) will be best explained in the following Method.

This Kalendar then consists of three Columns, and of a definite Number of Cells, or Classes, respective to each Column. Every Person, of whom we propose to treat, is placed in the lowest Class of the second Column, and is the Subject to which all the other Personages in the Kalendar adhere and refer, and from whence their Relation is necessarily denominated; the Kalendar comprehending the Father, Mother, Brothers, Sisters, Uncles, &c. of every Person concerning whom we propose to treat. And Note, That no Relation of Consanguinity can arise, or subsist, but under lawful Marriages, and consequently no Bastard is inheritable, as such Person

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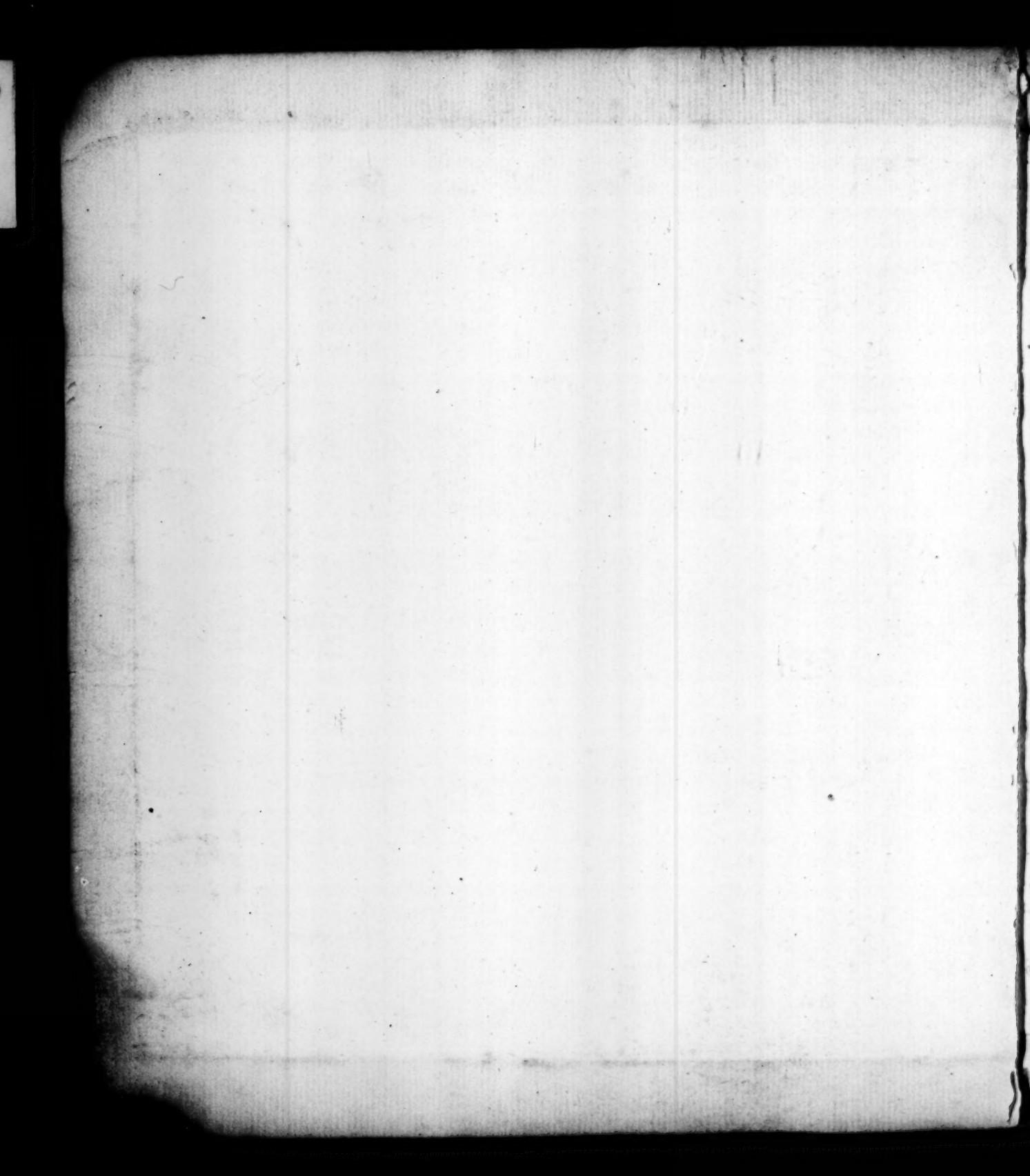
can have no Consanguinity with any Person but his own Issue raised from a lawful Marriage. All the Classes in the second Column, which are placed above the lowest Class in it, are called *Ascending* Classes, in Regard to their containing such Ascendents of every Person of whom we propose to treat, as we have mentioned to be comprehended within the Kalendar. And this is done in order to distinguish them from the other Classes, which contain such collateral Relatives of every Person of whom we treat, as are of the whole Blood. Whoever is descended from any Male or Female Ancestor, from whom any other Person is descended, and is neither the immediate Parent, nor the Progenitor, nor the Progeny of such other Person, is the collateral Relative of such Person. The Order and Series of the ascending Classes, as well as of the Classes in the first and third Columns, are shewn by the Numerical Figures which are placed in each Class.

The higher *ascending* Classes contain the Father and Mother of the *Male*, who is placed in every ascending Class, which is next below them, and of all the Males and Females, who are comprised in every Class in the first Column, which is next below such higher ascending Classes respectively.

The third Column contains the Brothers and Sisters of the *Femes*, who are placed in the respective parallel Classes of the second Column. The *Wives* of the several Males, and the *Husbands* of the several Females, which (*Males and Females*) are contained in the first and third Columns, and in the lowest Class of the second Column, are not comprehended within the Kalendar; because such *Husbands* and *Wives* have no Consanguinity with the *Person proposed*.

The Descendents of the *Person proposed* are not included within the Kalendar, because the first Rule hath (in our Opinion) sufficiently defined the Course of the Succession in the descending Line, and so as intirely to supersede and avoid the Necessity of recurring to the Kalendar for a further Elucidation.

The Relatives of the *Half-Blood* are, likewise, left out of the Kalendar; for as that Order of Consanguinity and Relation, which is thus denominated, must necessarily arise and be deduced from such lineal Ancestors (Male or Female) of any *Person proposed*, as have Issue by separate and distinct Marriages from that from whence the *Person proposed* is descended; we conceive, that the Course of the Descent, or of the Succession of the Inheritance upon the Relatives of the *Half-Blood* is sufficiently shewn and explained in the third and second Rules; and as the lineal and collateral Ancestors of the several *Femes* (which *Femes* are placed in the ascending Classes) could not conveniently be introduced into the Kalendar, the Ancestors of such *Femes* are not inserted in it; but the Reader will find that this Deficiency in the Kalendar hath been likewise remedied and accommodated by a fit Expedient.



No Person, or Class, is supposed to fail, as long as such Person, or Class, is represented in any Descendent.

Not only the Purchasor, but every other Person upon whom the Inheritance descends in due Course of Law, are seised in Fee; but as the Law hath raised a Difference (to some Purposes) between a *Civil* and an *Actual* Seisin, determining that to be a *Civil* Seisin (or *Seisin in Law*) where the Heir hath a Right of Entry, and does not prosecute it with Effect; and that to be an *Actual* Seisin, where actual Possession is gained, or something done, which in Judgment of Law is held equivalent to an Entry; we have thought proper to premise, that by the Term [*seised*] we always mean an actual Seisin, unless where the Contrary is sufficiently clear from the State and Tenor of the Proposition; before we give the Detail of the Course of the Succession, it may not be improper to define what the Term *Fee-simple* imports, and to shew the Extent and Excellence of the Estate thus denominated.

None can have a more large, or beneficial Estate of Inheritance, than *Fee-simple*. It is the *Substantive*, or *Total*, from whence all other Estates in Lands and Tenements are derived and supplied as from their true and only Fountain: It is called *Fee-simple*, *Feodum simplex*, *quasi ex dicto simpliciter*, (*sive generaliter & absolute*) because it is not bounded, or circumscribed (as all other Estates in Lands are) by any Words of Limitation, or by such derogatory Clauses, as would affect or alter it in *Quantity* and *Quality*, it being a *simple*, *pure* and *unrestrained* Inheritance; whereas all other Estates in Lands and Tenements receive their Denomination *ex dicto secundum quid*, (*sive relative & particulariter*) according to the Terms and Limitations, to which they are subjected at and from the Time of their first Creation; as *Fee-tail*, &c.

Every Person, (Male, or Female) who is *Tenant in Fee-simple*, hath the absolute Right, Propriety, Possession and *Allhood* of Lands, or Tenements so far lodged and vested in them, as that upon the Death of *every such Tenant*, without making any antecedent Disposition by *Deed* or *Testament* in Writing, the Lands or Tenements will descend and go in *perpetual Succession*, by the sole and unaffisted Act and Operation of Law, to such Descendent, or Descendents, or to such other Relative, or Relatives of such Person, as, in a legal Computation, have *preferable Worthiness of Sex* and *prior Right of Blood* to all others; and the Person or Persons, upon whom the Inheritance thus devolves upon the Death of *every such Tenant*, (without making such Will, or Disposition as aforesaid) is denominated Heir. In what this preferable Worthiness of Blood, or Right of Heirship consists, we propose in this *Half-Sheet* fully and perspicuously to propound and explain.



THE FIRST RULE. The Inheritance goes from every Person, who dies seised of it, to the eldest Son of such Person, (solely, and exclusively of all the Brothers and Sisters of such Son,) and to the Descendents of such Son, in like Manner, indefinitely.

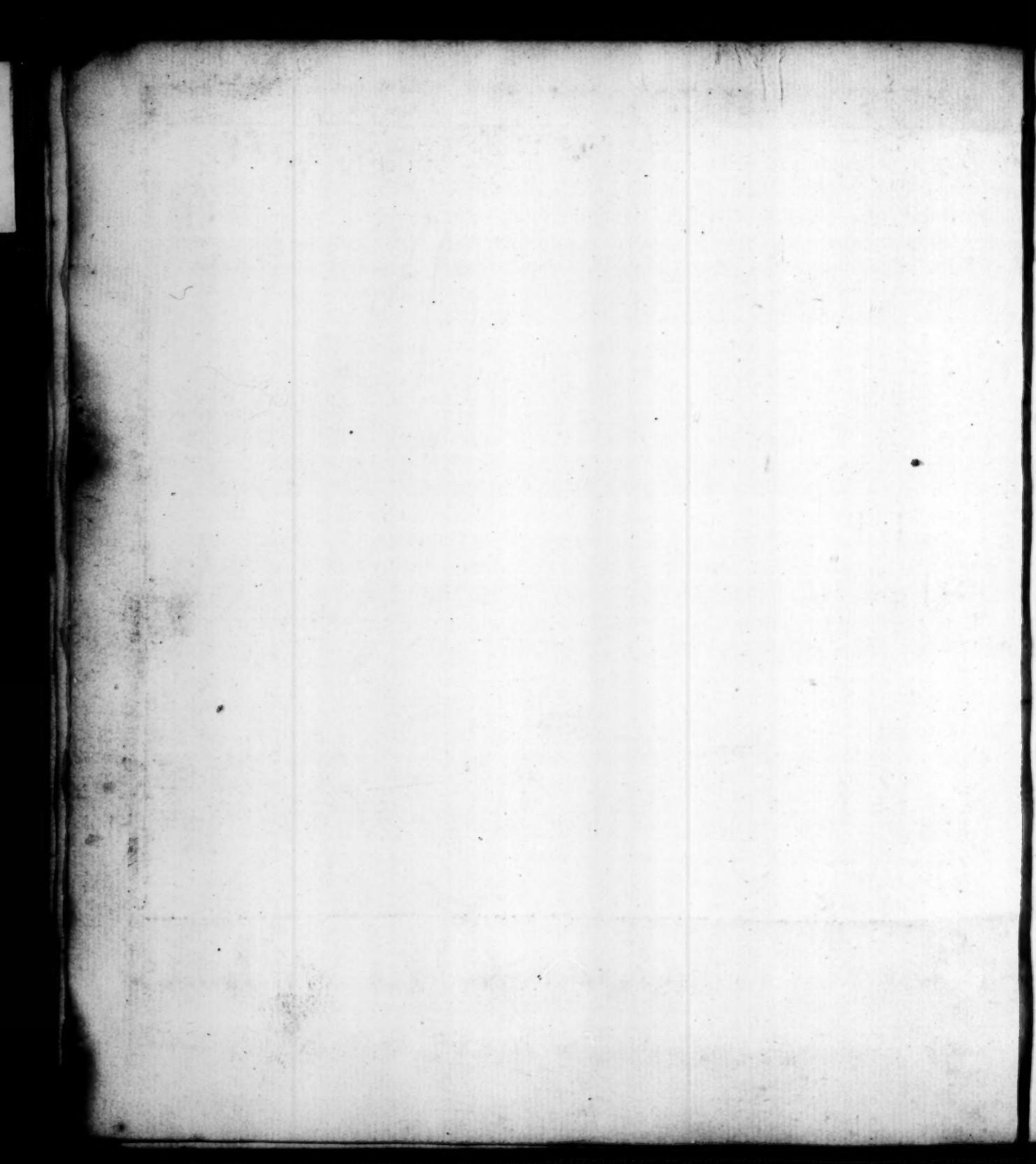
The eldest Male, always and in all Cases, succeeds, solely, to the Inheritance; but where there is *no Male* of that Order and Degree of Relation, which inherits; then all the Females of that Order and Degree always succeed as Parcenors in Equal Shares and Proportions, and make but one Heir.

Where any Person seised dies without leaving a Son, or Descendents from any Son; then all the Daughters succeed to the Inheritance.

Where the Person seised dies without leaving Issue, and without a Brother, or any Descendent from a Brother; all the Sisters of the whole Blood succeed to the Inheritance; but although the Sisters of the whole Blood only inherit, where the Females, who inherit, are the *Sisters*, or *collateral Ancestors* of the *Person last seised*; yet all the Daughters by different Femes succeed to the Inheritance, of which their Father was either seised in his own Right, or to which he would have been Heir, had he survived; and the Daughters by several Husbands succeed in same Manner to the Inheritance of their Mother; and a Son born of a subsequent Marriage is always preferred to the Daughters by a precedent Marriage.

Where there happens to be but one Female of that Order and Degree of Relation, which inherits; such Female is sole Heir.

THE SECOND RULE. Where a Descendent, or other *Relative* of any Person seised, would have been *Heir to the Person seised*, if such Descendent, or such other Relative of the Person seised, had survived *the Person seised*; upon the Death of such Descendent, or of such other Relative of the Person seised, during the Life of the Person seised, the Descendent (of such deceased Descendent, or of such other deceased relative) who is the Heir of such deceased Descendent, or of such other deceased Relative, always succeeds to the Inheritance upon the Death of the Person



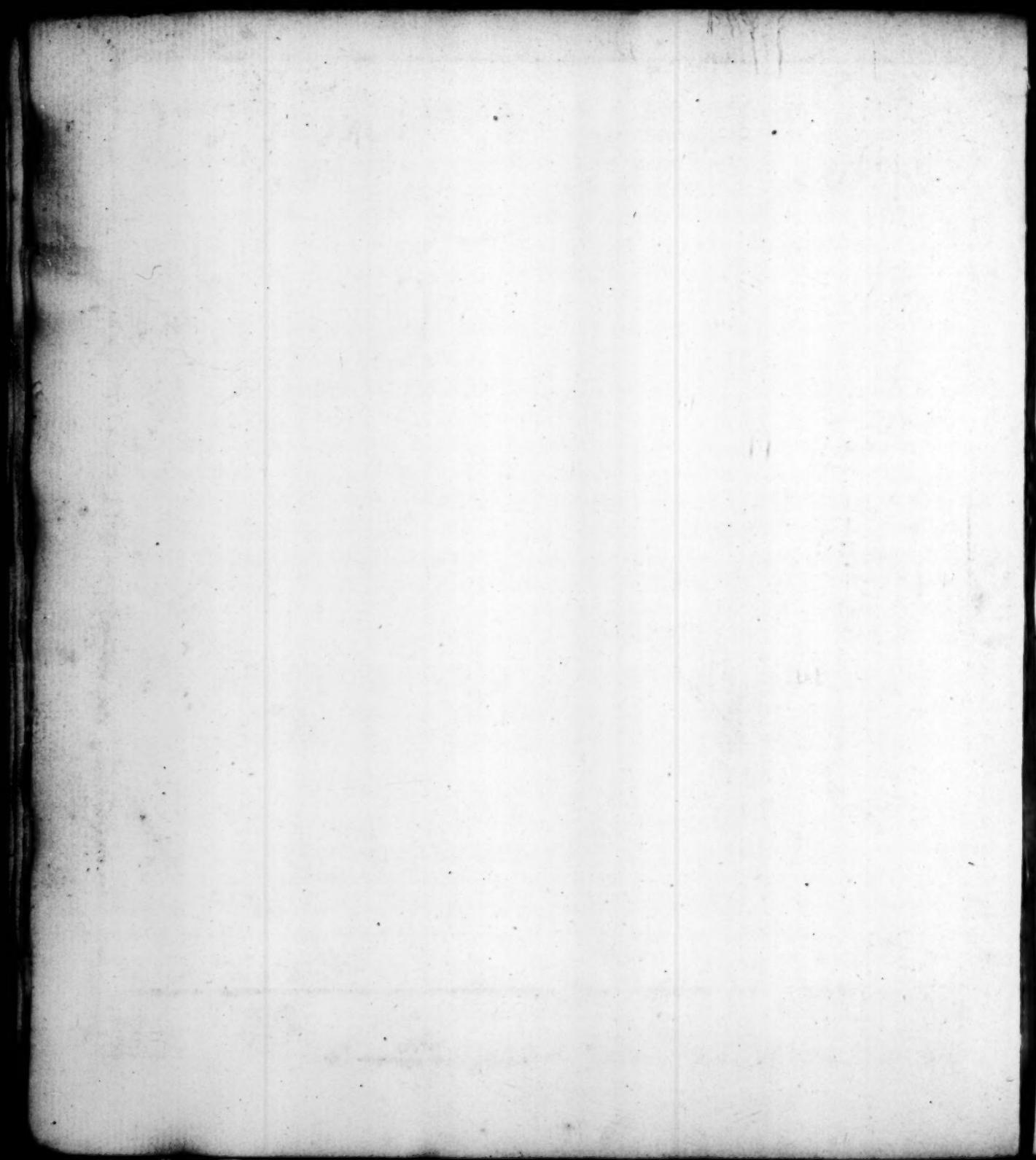
seised, in the same Manner, as if such deceased Descendent, or such other deceased Relative, had died actually seised.

It may not be amiss to subjoin an Exemple, or two, in order to shew how the Inheritance goes (pursuant to this Rule) to the Descendents of any Person last seised, or of any Person who might have been Heir, if such Person had survived the Person last seised. Let us suppose, that *John Kirby* dies seised in Fee, leaving three Grandsons and a Grandaughter by his eldest Daughter, and three Granddaughters by his youngest Daughter (his two Daughters, his only Children, dying in his Life-Time) his eldest Grandson by his eldest Daughter shall have half the Inheritance; and all the Granddaughters by his youngest Daughter shall have the other Half the Inheritance, and the two younger Grandsons and Grandaughter by his eldest Daughter shall have no Share in it; the eldest Grandson by his eldest Daughter inheriting in Right of his Mother, and his three Granddaughters by his youngest Daughter inheriting in Right of their Mother. And Note, The Course of Succession would have been the very same in this Case, if the Daughters of *John Kirby* had been by different *Femes*.

Where *John Kirby* is seised in fee, and his eldest Son dies before him, leaving Daughters, and afterwards *John Kirby* dies leaving several Sons; all his Granddaughters by his eldest Son succeed to the Inheritance (pursuant to the foregoing Rules) exclusively of all his other Children, in Right of Representation, as Heir to his eldest Son, who would have been his Heir, had such eldest Son survived him; but the *collateral Heir* of any deceased person, which deceased Person might have been the Heir of the Person seised, had such deceased Person survived the Person seised, does not always inherit upon the Death of the Person seised, (as we shall Evince in the Sequel) because *whoever claims the Inheritance must make claim from the Person last seised*.

THE THIRD RULE. No lineal Ancestor of the Purchasor, or of any other Person seised, can be the immediate Heir of the Purchasor, or of any other Person seised; yet the lineal Ancestor may inherit through a Course of intermediate Descents; viz. where the lineal Ancestor of the Purchasor, or of any Person formerly seised, is the *collateral Relative* of the Person, who is now seised, and upon the Death of the Person seised can deduce and adjust a Claim to the Inheritance, in all Respects, pursuant to the *Rules*.

THE FOURTH RULE. All Persons, who inherit, must be Relatives of the



whole Blood to the Person from whom they immediately inherit; but where they inherit in Virtue of intermediate Descents from any Person, it will suffice, if they are only Relatives of the half Blood to such Person; provided they are the worthiest legal Relatives of the whole Blood to the Person who was last seised, and are inclusively of the Consanguinity of the Purchasor.

THE FIFTH RULE. The Inheritance will never devolve upon any Person, (nor upon any *Relative* of such Person, *quatenus* such Relative) with whom the Purchasor, or any *Relative* of the Purchasor, intermarries, (unless where the Purchasor is descended from such Marriage) but the Inheritance proceeds, *in all other Respects*, from every Person, who becomes seised of it, upon the Death of every such Person, as if such Person had purchased it; *wherefore it is worthy of Observation*, that the Inheritance must, necessarily, proceed, always, from every lineal Ancestor of the Purchasor, who becomes seised of it, and from all such Brothers and Sisters, and collateral Ancestors of the Purchasor, as are of the full Blood, as if they were Purchasors. And Note, that in all Cases, where the *Line* of the *Descent* is once broken by the *Alienation*, and *Repurchase* of any Person upon whom the Inheritance descends, then such Person is to be considered as an *original Purchasor* in all Respects.

THE SIXTH RULE. This Kalendar may be farther extended, (as often as Occasion requires, even indefinitely) by adding and superinducing Classes in each Column; and as long as any Relative of the Person last seised, who is of the Blood of the Purchasor, is subsisting in the first Column, no Person in the third Column can inherit; the Law supposing all such Persons in the first Column, and their Descendents, to have a preferable Worthiness of Blood, in Regard to their being of the *Paternal Line*.

The second Class of the third Column (where the Persons, who are contained in it, are of the Blood of the Purchasor) will always inherit from any Person, who dies seised of the Inheritance, in Preference to the Rest of the Classes in that Column; because a Sister of such second Class produced the *Father* of the Person last seised; and because such second Class is nearer in the Degrees of Consanguinity, than any Class which is placed above it in the third Column.

The first Class in the third Column can never inherit, as long as there is any Class above it in that Column, which contains any Person, who is of the Consanguinity of the Purchasor, or as long as any Relative of any such superior Class, who is capable of inheriting by the Rules, is subsisting. And Note, That under these Distinctions, and *so far forth as* is consistent with the foregoing Rules, the Inheritance will always go to the nearest in the *Degrees of Consanguinity*.



The Inheritance goes from every Person, who dies seised of it, to the Descendents of such Person, in Manner aforesaid, and where there is a Failure of Descendents, it will go to the Brothers and Sisters (of the whole Blood) of every such Person, pursuant to the first and second Rules; and where the Brothers and Sisters fail, it will go to the lowest Class in the first Column, if the Persons comprised in such Class are of the Blood of the Purchasor, and not otherwise; (this we shall explain in the Sequel) in which Case, after the Entry of the Heir in this Class, the Father of the Person last actually seised before the Entry of this Class, becomes immediately inheritable, and being the first collateral Relative (of the whole Blood) of the Person, who is now seised of the Inheritance, is, consequently, to be ranged in the same Class with such Person, pursuant to the Disposition, which we have made in the Kalendar.

Where *John Kirby* purchases the Inheritance, the Inheritance will go, upon his Death, in Failure of his Issue, and of his Brothers and Sisters, to the first Class in the first Column; and where that Class likewise fails, it will go to the second Class in the first Column, and after the Entry of the Heir in that Class, that Grandfather of *John Kirby*, who is the Brother of the Person now seised, becomes immediately inheritable; and in this Manner it will proceed by gradual Advances in the first Column, (according to the Order and Series of the numerical Figures which are placed in it) the Inheritance always going from the Purchasor (where the lower Classes in the first Column fail) to the next higher Class in that Column, which is subsisting; but where *John Kirby* is the Purchasor, and where at his Death, not only his Descendents, but his Brothers and Sisters, and all the Persons in the first Column fail; then the Inheritance goes, under this Contingency, to the *Relatives* of *John Kirby* in the second Class of the third Column, and after the Entry of any Person in that Class, it may descend from such Person (or from the Descendents of such Person) *collaterally* upon the Grandmother of the Purchasor in the second Column, *where she is Heir*; and where she is dead, it will in this Case go to the *Father* of the Purchasor, where the Father is the eldest, or only Son of such Grandmother; and here it is worthy to be observed, that if the Inheritance was to go (under the Circumstances of this Case) to the first Class

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of the third Column, in Preference to the second Class of that Column; the Mother would very often be prefered to the Father; and this, in all Probability, hath been the Reason why the Law hath prefered the second Class in the third Column to the first Class in that Column; and the Design of preferring all the higher Classes of the third Column to the lowest Class in it, in all Probability, hath been calculated to give the Issue (by a different Marriage) of the Males, who are comprised in the ascending Classes, (where the Issue, and Brothers and Sisters, of the Purchasor, and all the Relatives of the Purchasor in the first Column fail at the Death of the Purchasor) the Preference to the Issue of the Mother of the Purchasor by a different Marriage.

Where the *lowest* Class in the second Column, and all the Classes in the first Column, fail at the Death of the Purchasor; the Inheritance will go to the second Class in the third Column, as aforesaid; but where the second Class in the third Column *fails, likewise, at the Death of the Purchasor, or where it survives the Purchasor, but fails before Entry*; the Inheritance, under either of these Contingencies, will go to the third Class of the third Column; but if the second Class in the third Column had survived the Purchasor, and failed *after Entry* and Seisin; then the paternal Uncle of the Grandmother of the Purchasor in the second Column, in this Case, would have inherited, in Preference to the third Class in the third Column, as the paternal Uncle of such Grandmother, where such Grandmother is dead, and her Issue happens to fail, is the *collateral Heir* of such second Class in the third Column, which failed after Entry as aforesaid, and consequently will inherit; as every person, who makes Claim to the Inheritance as Heir, must be the nearest and worthiest Relative, of the whole Blood, to the Person last seised, who is inclusively of the Blood of the Purchasor, as appears sufficiently in the Instance, where the third Class in the third Column is prefered to the Inheritance in Exclusion of the paternal Uncle, and Heir of the second Class in the third Column, where such second Class fails before Entry, though such third Class is Equidistant, in the Degrees of Consanguinity, from the Person last seised, with such paternal Uncle and Heir of such second Class. But the Law in this Case ascribes a greater Worthiness of Blood to such third Class, than to such collateral Ancestor of such second Class, which failed before Entry and Seisin. And what is said to constitute this preferable Worthiness of Blood consists in this, that a Sister of every Class, but the first in the third Column, in this Case, produced one or more of those lineal Male Ancestors of the Purchasor, who are placed in the second Column; but however, where the third Class of the third Column fails

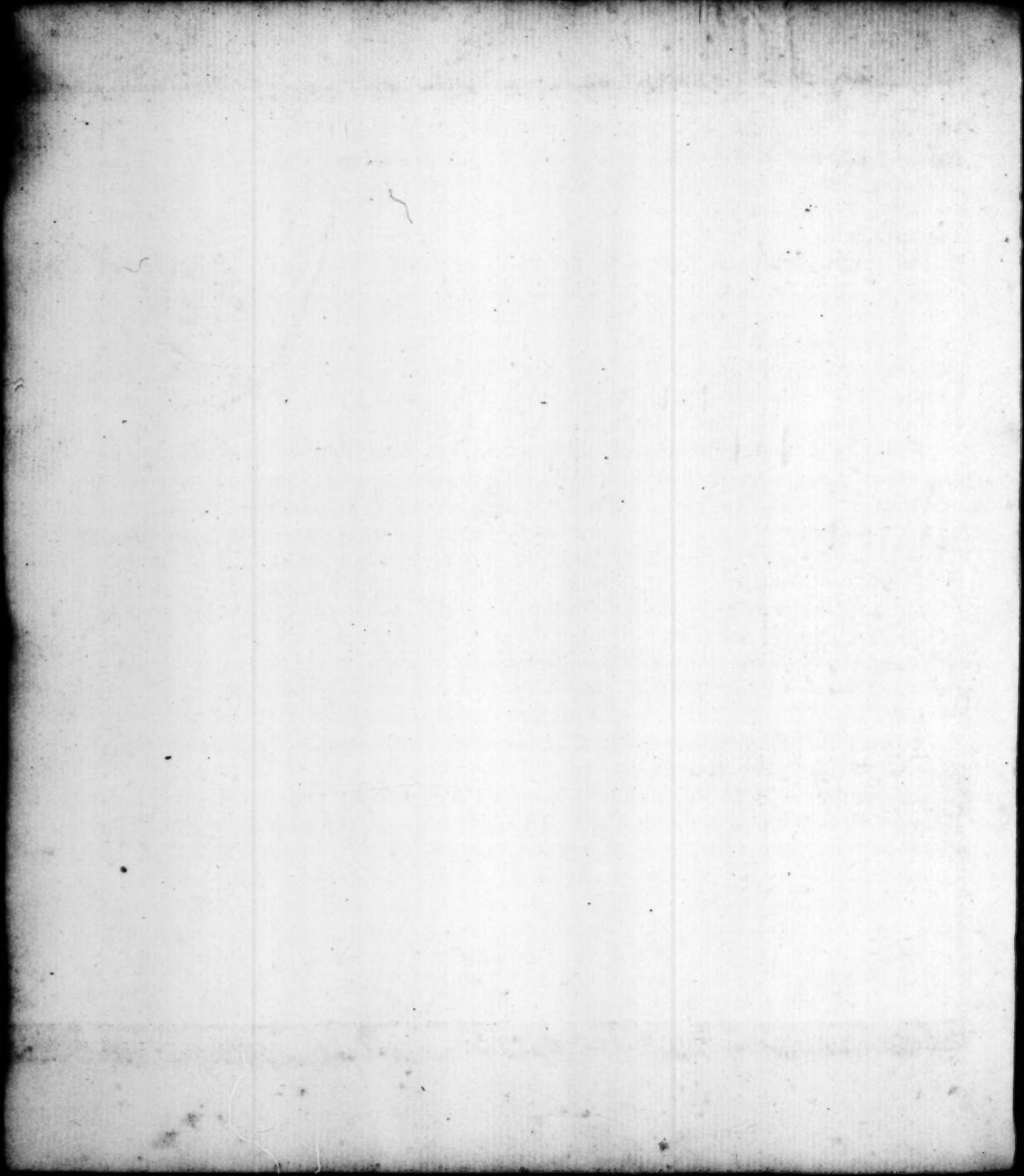


before Entry, it seemeth as if the Inheritance would go (in this Case) to the Brother of the Father of the Grandmother in the second Column, before it will go to the fourth Class of the third Column, because such paternal Uncle of such Grandmother is the *first collateral Ancestor* in the *paternal Line of such Grandmother*, and is nearer, in the Degrees of Consanguinity, to the person last seised, than such fourth Class.

Where the Father of *John Kirby* purchases, and dies, and *John Kirby* after Entry also dies, if at his Death his Sons and Daughters, and Brothers and Sisters, and all the Persons in the first Column intirely fail; the Inheritance will go to the second Class in the third Column, in the same Manner, as if *John Kirby* had purchased the Inheritance, because that Class (under the Circumstances of this Case) contains the worthiest legal Relative of the Person last seised, who is inclusively of the Blood of the Purchasor.

Where the Inheritance descends upon *John Kirby* from the Grandfather's Grandfather in the second Column, who was the Purchasor, and *John Kirby* dies after Entry, and at his Death his Sons and Daughters, and his Brothers and Sisters, and all his Relatives in the first Column fail; the Inheritance will go (for the same Reason) to the fifth Class of the third Column, although of the maternal Line of the Purchasor, and will not go to the sixth Class in that Column, although that Class contains the first collateral Relatives of the Mother of the Father of the Purchasor, and the Heir of the Purchasor. And Note, That none of the Classes of the third Column, till we arrive at the fifth Class of that Column, under the Circumstances of the last mentioned Case, have any Consanguinity with the Purchasor.

Where *John Kirby* becomes seised of Lands or Tenements by Descent from his Grandmother in the second Column, and afterwards dies without Issue, the Inheritance, where his Brothers and Sisters likewise fail before or after Entry, will go to his Relatives in the first Class in the first Column; but where that Class likewise fails before or after Entry, it will never go to his Relatives in the second Class in the first Column, because this Class hath no Consanguinity to the Purchasor; but it will go to the second Class in the third Column; and if that Class likewise fails before or after Entry, it will go to the nearest and worthiest Relatives of such Grandmother, pursuant to the Rules. Where *John Kirby* becomes seised of Lands from his Mother (or from any maternal Relative) if *John Kirby* dies after Entry, without Issue, and without a Brother or Sister of the whole Blood, the Lands will



go to the first Class in the third Column; and in Failure of that Class, the Inheritance will go to such other Relative of the Mother of *John Kirby*, who is nearest and worthiest in Blood, *pursuant to the Rules*; but, in this Case, it will never go from *John Kirby* to any Class of the first Column.

Where *John Kirby* purchases, and dies without Issue, and, at his Death, his Brothers and Sisters, likewise, fail; so that the Inheritance vests somewhere in the first or third Columns, as the Case happens; yet if, after the Inheritance hath vested, as aforesaid, *John Kirby* should have a Brother or Sister born of the whole Blood, such Child may enter upon the Inheritance; or where there are two, or more such Sisters born, they all may enter; for where-ever a posthumous Child, or Children are Heir, such Child, or Children are well intitled to enter upon the Inheritance.

A Devise of Lands in Fee to any Male, who happens to be the Heir of the Devisor (even though such Male is properly and personally *identified*, or nominally described in the Devise) is void, and such Male Heir (whether Son, Brother, Uncle, &c.) shall take by *Descent*, and not by the *Devise*; but where two, or more Females are *Heir*, (whether such Females are Daughters, Sisters, Aunts, &c.) in this Case a Devise to them (under a proper Designation of their Persons) is good, because such Devise alters the Disposition of the Law; as Females, who are Heir, take as Parcenors; whereas they take by the Devise as Jointenants; but even with relation to Females, there must be a fit Designation of their Persons, or otherwise the Devise cannot stand; for a Conveyance, or Devise of Lands in Fee, to the Heir of the Grantor or Devisor, under that Denomination only, without sufficiently identifying the Person or Persons, is void in all Cases, because none can raise a *Fee-simple* to his own right Heirs, by the Name of Heirs, as a Purchase, neither by direct Conveyance, nor by Use, nor by Devise.

Where there are Jointenants, the Survivor or Survivors take the Inheritance, (unless there is an Agreement in Writing to prevent the Effect of such Survivorship) even where the Person or Persons dying leave *Issue*, or *Femes*, or both.

Where there are two or more Jointenants, and one of them *aliens*, the other *Jointenant* or *Jointenants* (after such Alienation made by one of the Jointenants) hold as *Tenants in Common* with the Alienee; but where there are more than two Jointenants, the Jointenancy still subsists among the Jointenants, who did not alien.

The Husband, by the Intermarriage, gaineth an *Estate of Freehold*, in Right of his Wife (during her Life, if he lives so long) of all the Lands and Tenements of which she is seised in Fee, at the Time of such Intermarriage, or which descend

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upon her at any Time during the Coverture; and where the Husband hath Issue *Male* or *Female* by her, born alive, he shall enjoy the Inheritance of the Wife, during his Life, by the *Curtesy of England*; and it is not necessary, (if he hath once a Child by her) that the Child should be alive at (or born after) the Time of the Husband's becoming *seised*; but however, there must be actual Seisin in the Husband to intitle him to be Tenant by the Curtesy.

A Woman is dowable, upon the Death of her Husband, of all such Lands (excepting only where the Husband is *jointly seised* as aforementioned) of which her Husband was seised in Fee, either in *Fact*, or *in Law*, at any Time during the Coverture, whether she hath Issue by her Husband, or not, if she is above the Age of nine Years at his Decease, to hold a *third Part* (where her Husband was *sole seised*) to herself, in *Severalty*, by Metes and Bounds, during her Life, and, where her Husband was *Tenant in Common*, to hold a *third Part of her Husband's Moiety* for her Life, *in Common* with the Heir of her Husband and the other *Tenant*, or *Tenants in Common*. And the Reason, why the actual Seisin of the Husband is not necessary to intitle the Wife to *Dower*, is, because it is not in the Power of the Wife to bring the Husband into Possession; whereas it is in the Power of the Husband to get actual Seisin of the Wife's Estate, in Order to his being Tenant by the Curtesy. But as the *Learning*, which relates to the *Estates* and *Interests* of *Jointtenants*, and of *Tenants in Common*, and of *Tenants* by the *Curtesy*, and of *Tenants in Dower*, does not fall within the *Compacts*, which we have prescribed to this *Essay*; we think it sufficient just to have hinted at these Things in the Manner we have done: And as we hope, notwithstanding the exceeding great Difficulty and Abstruseness of the Subject, concerning which we expressly and professedly treat, that what is here offered, with Relation to it, will afford a sufficient Light and Direction in all Cases, which can by any *ordinary* or *reasonable* Possibility occur; we therefore beg Leave to submit the whole to the candid Interpretation of the Reader, as an *Essay* (formed according to the best Model of our Abilities) for furnishing out a *Table of Descents in Fee-simple*.

longa est Narratio, longi
Circuitus, sed summa sequor Fastigia rerum.

